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FISCAL IMPACT STATEMENT

LS 7184

BILL NUMBER: HB 1382

NOTE PREPARED: Apr 6, 2007

BILL AMENDED: Apr 5, 2007

SUBJECT: Juvenile Delinquency and Criminal Law Information.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR: Sen. Becker

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the parent of a student who is at least 18 years of age to be notified by the following persons if the student is interrogated on school property by a law enforcement officer regarding an incident in which the student is a suspect: (1) the school principal, if the school does not have a policy concerning parental notification; (2) the individual designated to notify parents under a school policy concerning parental notification, if the school has adopted a policy. The bill requires a law enforcement agency to notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or the superintendent of the school district in which a child is enrolled if the child is taken into custody for allegedly committing certain crimes.

The bill also provides that a school may not use a report that a child was taken into custody for disciplinary purposes. It provides that a juvenile court may release court records to certain entities without a court order.

It also provides that certain agencies and entities may exchange certain information about a juvenile. The bill provides that a judge shall give written notice of a conviction to the chief administrative officer of a primary or secondary school or the superintendent of the school district in which a child is enrolled if the child is convicted of certain felonies or if the child has been adjudicated as a delinquent child for an act that would be certain felonies if committed by an adult.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Law Enforcement Agencies:* The bill requires a law enforcement agency who takes a child into custody for committing a delinquent act specified under the bill to notify the chief administrative office of the primary or secondary school, or, if the child is enrolled in a public school,

the superintendent of the school district, in which the child is enrolled that the child was taken into custody and the reason why the child was taken into custody. This provision would increase the workload of local law enforcement agencies. The number of children taken into custody for committing a delinquent act is not known. Actual increases in workload are indeterminable.

Courts: The bill also requires a judge who presided over a trial, accepted a plea agreement, or adjudicated a child as a delinquent child to give written notification within seven days of the conviction or adjudication the chief administrative office of the primary or secondary school, or, if the child is enrolled in a public school, the superintendent of the school district, in which the child is enrolled. In addition, if the court later modifies the individual's sentence or juvenile law disposition the court is required to notify the aforementioned individuals of the sentence or disposition modification. As proposed, the workload of judges would increase. The Department of Correction (DOC) reported that a total of 39 children were convicted of a Class A, B, C, or D felony during CY 2004. In addition, 811 were adjudicated as a delinquent offender for the aforementioned felonies. It should be noted that these figures do not include the number of children who would have been placed on probation, that number is not known.

(Revised) Notification of Student's Parent when Interrogated: The bill requires a school which does not currently have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer to: notify a student's parent if the student is at least 18 years of age, that the student was interrogated by a law enforcement officer on school property regarding an investigation in which the student may be a suspect. The school is required to make an effort to immediately notify the student's parent of the interrogation, or if immediate notification is not possible, the principal is required to provide the notification not later than 12 hours after the interrogation occurs.

If the school currently has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school is required to apply the policy to all students, regardless of the age of the student.

This provision would increase the administrative duties of schools minimally.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Local law enforcement agencies; Courts.

Information Sources: Department of Correction.

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